

CITY BOARD OF ZONING APPEAL #2366

DATE: April 9, 2004

DATE SCHEDULED FOR PUBLIC HEARING: April 30, 2004

LOCATION: Generally located at east of S. 27th and south of Van Dorn Street.

ADDRESS: 2801 Van Dorn Street.

LEGAL DESCRIPTION: Lot 401 IT, located in the NW 1/4 of Section 6-9-7.

APPLICANT: Tom White
2801 Van Dorn Street
(402)421-1604

LOT AREA: 19,440 square feet, more or less.

ZONING: R-1, Residential.

EXISTING LAND USE: Single family residential.

SURROUNDING LAND USE AND ZONING:

North:	Single family	R-1
South:	Single family	R-1
East:	Single family	R-1
West:	Single family	R-1

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.11.080(a), L.M.C. requires a side yard of 10'. A variance from 10' to 7'6" is requested.

Section 27.11.080(e), L.M.C. requires an accessory building located less than 6' from a main building shall be considered part of the main building and shall comply with all yard requirements of the main structure. A variance from a 6' to 4' 6" separation is requested.

STAFF FINDINGS:

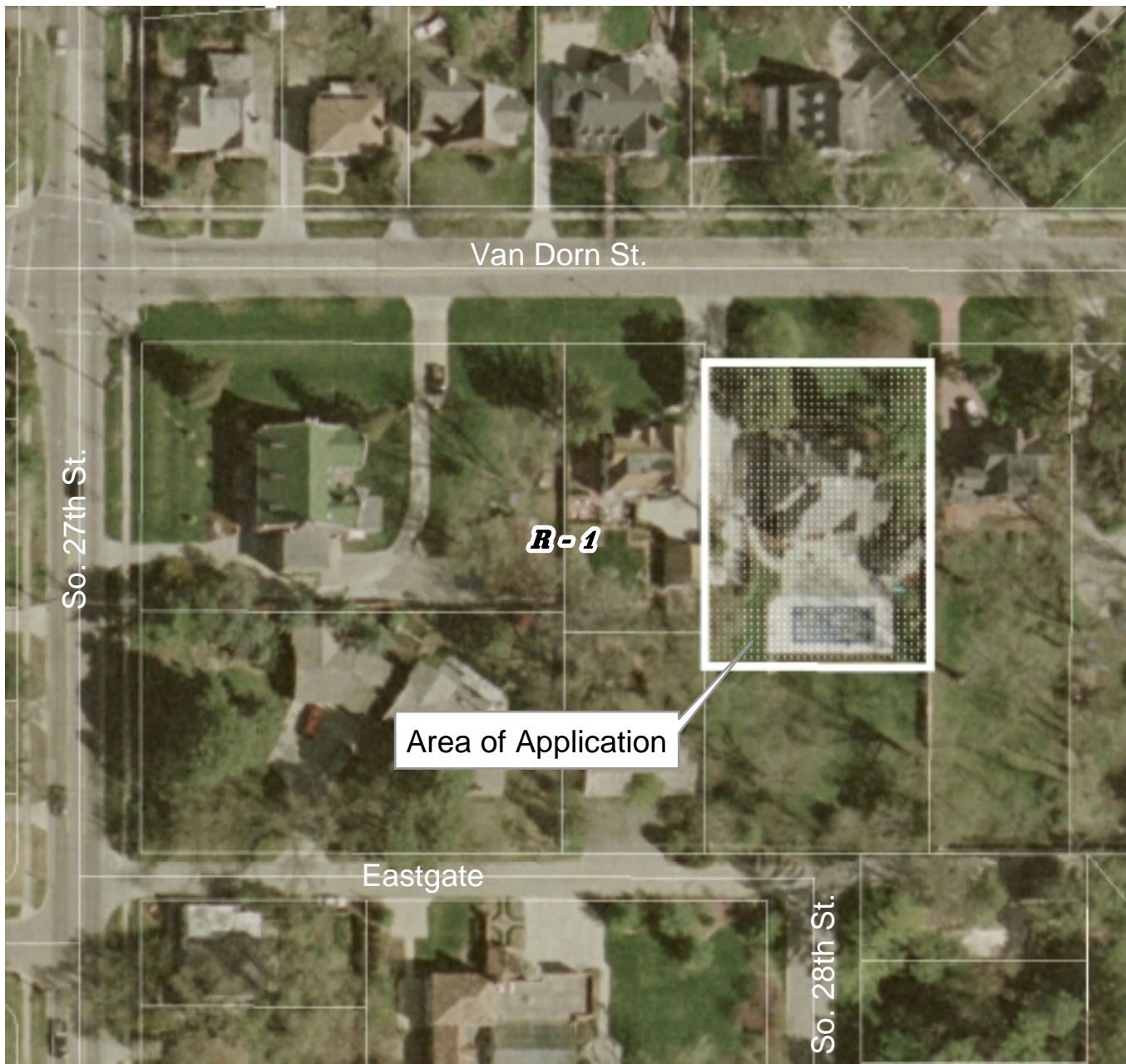
1. This is a request to expand their residence into the required side yard and closer than 6' to the existing accessory building.
2. The required side yard setback is 10'. Accessory buildings must be at least 6' from the main structure to be considered accessory, buildings closer than 6' from the main building are considered part of the main building and must conform to

all setbacks required by the main building. The pool house is an accessory building. The applicant requests the distance to which the accessory building may be from the main building be reduced.

3. Other lots in the area are smaller and larger than this lot, however this lot is larger than a typical lot in this area.
4. The addition is approximately 15' x 30'. By reducing the length of the addition by approximately 2' 6", (15' x 27' 6"), the side yard setback would be preserved. However, the addition would still be less than 6' to the existing accessory structure. The addition could be reduced by 1' 6" in width to meet this requirement. By reducing the overall size of the addition to 13.5 x 27.5, this addition would meet all setback requirements and no longer require a variance. The addition may be expanded toward the north in order to accommodate additional area.
5. Houses on this block range from 2,000 square feet to 6,000 square feet. This house is approximately 4,400 square feet. This lot is similar in area to many in the block and larger than most in the general vicinity. Lots range from 11,000 to 60,000. Typical subdivision lots today are approximately 7,000 square feet in area, so these lots are much larger than a typical lot.
6. It appears the accessory building is greater than 6' away from the residence in the neighboring property to the west, and therefore may be located in the side yard.
7. Board of Zoning Appeals #1003, to construct a residence on a lot that did not meet the minimum area requirement, was denied on August 5, 1977 south of this request at 2728 Royal Court. The applicant re-applied and was denied again on October 7, 1977.
8. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned."
9. If this appeal were not granted, the owners could slightly modify the addition to meet all required setbacks.

Prepared by

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Planner



Board of Zoning Appeals #2366 2801 Van Dorn St.

2002 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 6 T9N R7E

